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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,424	07/25/2006	Rainer Garger	HRG-PT040 (G 596pct/us)	1795
3624	7590	11/07/2008		
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER BENVENUTI II, MATTHEW GEORGE	
			ART UNIT 4159	PAPER NUMBER
			MAIL DATE 11/07/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,424	<b>Applicant(s)</b> GARGER, RAINER	
	<b>Examiner</b> Matt Benvenuti	<b>Art Unit</b> 4159	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>IDS (7/25/2006)</u>   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Reference A, Figure 6.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

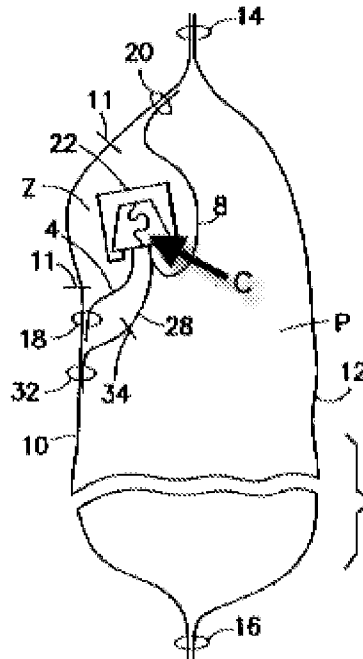
A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2004/0066990 (Schneider et al).



**FIG. 4**

5. In re Claim 1, Schneider et al teaches a re-sealable bag comprising a closure (C) attached in an interior thereof (Z) to one of the front or rear walls (10, 12), with the closure (C) comprising two closure parts (4, 28), which are at a distance from a connecting or latching area of the closure (C), which forms a connection to the wall (10, 12), and having free edges that are connected undetachably to the wall (18, 32) and with a safety strip (the part of the front wall between 11 and 11) above an opening above the latching area of the closure (C), the safety strip (the part of the front wall between 11 and 11) is configured so that it can be separated from the wall before an

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initial opening for exposing the opening ([0033], Lines 10-13), both of the closure parts (4, 28) are connected to the wall (10) underneath the opening and a cover sheet (8) is attached to the inner one of the closure parts (28) and also to the wall (10) above and to a side of the opening ([0032], Lines 8-13).

6. In re Claim 2, Schneider et al further teaches a bag wherein edges of the inner and outer closure parts are connected to the front wall by a single common seam or by two separate bonding, fusing, or sealing seams ([0045]).

7. In re Claim 3, Schneider et al further teaches a bag wherein a lower edge of the cover sheet is fixed undetachably at the inner closure part (Figure 4, 8 attaches to 28)

8. In re Claim 4, Schneider et al further teaches a bag wherein the lower edge of the cover sheet is fixed directly on or at a distance to an inner grooved closure (Figure 4, 8 attaches to 28 at a distance to the inner grooved closure (C)).

9. In re Claim 5, Schneider et al further teaches a bag wherein free edges of the closure parts are connected to each other and the closure is produced in one part (Figure 10, shows free edges 56 and 58 connected to each other with a line of weakness therebetween).

10. In re Claim 6, Schneider et al further teaches a bag wherein the cover sheet is produced in one part with the closure or with the inner closure part (Figure 10 shows a closure with cover sheet attached thereto being applied to a film for production of bag).

11. In re Claim 7, Schneider et al further teaches a bag wherein the inner closure part is connected to the wall in a peelable way (Figure 3, with inner closure attached in a peelable way 30).

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 2004/0179755 (Cornelisse) teaches a resealable package with a closure inside the package and a cover sheet attached to the free ends of the closure. US 6,402,376 (Bois) teaches a resealable package with a closure located behind a line of weakness in the wall, with the free end of the inner closure member attached to a cover sheet, which is attached to the same wall at a location above the line of weakness. US 5,806,984 (Yeager) teaches a resealable bag with a free end located beyond an internal closure to grip when opening the reclosable closure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matt Benvenuti whose telephone number is (571)270-5704. The examiner can normally be reached on Monday - Friday: 8am-5pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on 571-272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MB

/Quang T Van/  
Primary Examiner, Art Unit 3742